IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 20TH JULY, 2007 / 29TH ASHADHA, 1929

WP(C).No. 22310 of 2007(E)

PETITIONER:

VISHNU BAKTHAN,
MANAGING PARTNER,
M/S. NEW RAJASTHAN MARBLES,
PARAKKULAM, KOTTIYAM,
KOLLAM.

BY ADV. SRI.GOPAKUMAR R.THALIYAL
SRI.N.P.PRAJEESH

RESPONDENTS:

---

1. THE ASSISTANT PROVIDENT FUND COMMISSIONER, EMPLOYEES PROVIDENT FUND ORGANIZATION, PATTOM, TRIVANDRUM.

2. THE EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL, NEW DELHI.

BY STANDING COUNSEL SMT.T.N.GIRIJA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 22310 OF 2007

Dated this the 20th day of July, 2007

J U D G M E N T

The petitioner has been assessed to contributions under the Employees Provident Funds and Miscellaneous Provisions Act (for short 'the Act') by Ext.P1 order issued under Section 7A of the Act. The petitioner has filed Ext.P3 appeal before the Employees Provident Fund Appellate Tribunal along with Ext.P4 petition for stay. The petitioner is aggrieved by the coercive proceedings initiated by the first respondent while Exts.P3 and P4 are pending before the Tribunal. The petitioner submits that coercive proceedings initiated by the first respondent, while the matter is pending before the Tribunal, are unjustified.

2. I have heard learned counsel for the petitioner as also the Standing Counsel appearing for the Employees Provident Fund Organisation.

3. I feel that the petitioner should be given some more time to move the Tribunal, for stay of further

proceedings pursuant to the order impugned, in appeal. For this purpose, I direct the first respondent to keep further coercive proceedings pursuant to Ext.P2 in abeyance for a period of two months during which time the petitioner shall move the Tribunal and obtain orders.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007